

U.S. Application No. 10/002,667 Examiner PARDO, Art Unit 2175  
Amendment in Response to First Office Action

### **REMARKS**

In response to the final Office Action dated June 7, 2004, Assignee respectfully requests reconsideration based on the above amendment and the following remarks. Assignee respectfully submits that the amended claims are in condition for allowance.

The United States Patent and Trademark Office (the "Office") rejected claims 1-32 under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent 6,208,986 to Schneck *et al.* The Assignee shows, however, that the amended claims are patentably distinguishable over the cited prior art, and the Assignee thus respectfully submits that the pending claims are ready for allowance.

#### **Rejection of Claims under 35 U.S.C. § 102 (e)**

The Office rejected claims 1-32 under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent 6,208,986 to Schneck *et al.* A claim is anticipated only if each and every element is found in a single prior art reference. *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d (BNA) 1051, 1053 (Fed. Cir. 1987). *See also* DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2131 (orig. 8<sup>th</sup> Edition) (hereinafter "M.P.E.P."). As the Assignee shows, however, amended, independent claims 1, 9, and 22, and thus the dependent claims thereunder, are patentably distinguishable over *Schneck*. The reference to *Schneck* does not anticipate this invention, so the Assignee respectfully requests that Examiner Pardo remove the 35 U.S.C. § 102 (e) rejection and allow the pending claims.

Independent claims 1, 9, and 22 have been amended. Claim 1, for example, now includes features for determining in what order directories are searched. As claim 1 now recites, the database includes "*a search-order field, the search-order field determining an order in which the plurality of references are searched.*" As independent claims 9 and 22 further define, the directory with the lowest value is first searched, and all other directories are searched in an ascending order of the search-order field.

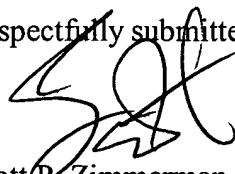
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*Schneck* is completely silent to this search-order field. Because *Schneck* fails to teach this feature, *Schneck* cannot anticipate independent claims 1, 9, and 22 of this invention. The Assignee, then, respectfully asks Examiner Pardo to remove the § 102 rejection and to allow the pending claims.

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If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 387-6907 or [scott@scottzimmerman.com](mailto:scott@scottzimmerman.com).

Respectfully submitted,



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